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EXAMINER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28,31 and 32* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-28, 31, and 32* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/18/2009 has been entered.

Status of Claims

2.   In the amendment filed 05/18/2009, the following occurred: Claims 1 and 14 were amended; claims 31 and 32 were amended; and claims 29 and 30 were previously cancelled. Claims 1-28, 31, and 32 are presented for examination.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   **Claims 1, 2, and 14** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.   As per claim 1:

- Applicant claims "communication comprising at least one of status information and programming information for the medical device". This is indefinite because of the conflicting logical operators "at least one of" and "and" are

claimed together. To allow for one or both elements to be communicated, the claim should read "communication comprising at least one of status information <u>or</u> programming information for the medical device".

- Additionally, what does Applicant mean by "programming information"? Does this mean communicating information it has previously been programmed with or sending created information for programming another device? What is the programming information and how does it differ from status information?

- Applicant claims "at least one of a request by the terminal device and an occurrence of an event". This is indefinite because of the conflicting logical operators "at least one of" and "and" are claimed together. To allow for one or both elements to be the condition upon which a message is generated, the claim should read "at least one of a request by the terminal device <u>or</u> an occurrence of an event".

- Applicant claims a "message generated at least in part upon one of: (i) a request from the first server; and (ii) automatically, the message transmitted over the second network to the first sewer and over the first network to at least the terminal device". This is indefinite because of the conflicting logical operators "upon one of" and "and" are claimed together. To allow for one or both elements to be relied upon, at least in part, for message generation, the claim should read "message generated at least in part upon one of: (i) a request from the first server; <u>or</u> (ii) automatically, the message transmitted

over the second network to the first sewer and over the first network to at
least the terminal device".

6.   Claims 2 and 14:

- As per claim 2, Applicant claims "a response message generated in response
  to the request message and comprising first information contained within a
  data packet generated by the medical device, and wherein said information is
  modified in response to a change in the information contained within another
  data packet generated by the medical device". A message containing medical
  device data sent in response to a request message is understandable, but
  that the medical device data is, in turn, modified in response to a change in
  the information from other data generated by the medical device is unclear.
  How does the medical device modify the information it creates? Why and how
  does it do this? What change occurs to implement this change? What
  information is in either data packet? When, where, and how is the other
  information created - where did it come from? Claim 14 is rejected for similar
  reasons.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claims 1, 7, 8, and 13** are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 5,822,544 to Chaco.

9.   As per claim 1, Chaco teaches a system comprising:

--*a terminal device attached to a first network and comprising a visual display*

(Fig. 4, is met by nurse station 300 or 2310 connected to network server 430 via the

network; Fig. 14, is met by nurse station connected to the network server via the

network; Fig. 32, is met by nurse station 2414 comprising a visual display)(see: Chaco,

column 19, lines 50-58, met by network N2 connecting nurse station to the server)

--*a medical device attached to the first network* (Fig. 4, is met by patient station

210 or external device 428 and its microcontroller 426 connected to network server 430

via the network; Fig. 14, is met by patient station connected to the network server via

the network; Fig. 32, is met by patient station 2416)(see: Chaco, column 19, lines 50-58,

met by network N2 connecting patient station to the server);

--*a communication initiated by the medical device and transmitted over the first*

network, the communication comprising at least one of status information and

programming information for the medical device (Fig. 32, is met by bedside equipment -

including elements 3280, 3284 (IV pump), 3234, and 3232 – and peripheral equipment

– includes elements in 3220 and 3254 - generating communication status and

equipment operation data over the network depicted in Fig. 4 and Fig. 14)(see: Chaco,

column 42, lines 2-5, is met by bedside equipment serially transmit data; and column

47, lines 7-25, is met by communicating status and equipment operation data over the

network);

  --a first server attached to the first network, the first server storing validated data

(Fig. 4, is met by server connected to network; Fig. 14, is met by server connected to

network; Fig. 32, is met by server connected to network)(see: Chaco, column 15, lines

21-31, is met by information stored at server; column 19, lines 50-58, met by network

N2 connected to the server; and column 28, lines 4-7, is met by authorized list data that

is stored locally at server 430);

  --a second server in communication with the first server via a second network,

the second server storing non-validated data, wherein the medical device and the

terminal device communicate with the first server, and wherein the second server is

separated from the medical device and the terminal device via the second network, the

first server, and the first network (Fig. 4, is met by patient station 210, external device

428, and nurse station 2310 or 300, connected to network server 430, which acts as the

gateway to the central computing system 432; and Fig. 14, is met by patient station,

nurse station, and external device transceivers connected to network server 430 over

network N2, the server separately connected to the central computing system 432)(see:

Chaco, column 12, lines 37-47, is met by patient station and nurse station linked to

server, the server linked to the central computing system; column 21, lines 33-42, is met

by messages being sent to transceivers to and from the central computer via the

network server; column 23, lines 1-2, is met by identification and interview data stored

directly in central computer 432; column 27, lines 62-65, is met by identification number

stored in computer 432; and column 28, lines 4-11, is met by an authorized list that is

stored at central computer 432, and attempted access is recorded on central computer

432; column 28, lines 40-47, is met by medication dosages are recorded in the central

computer; and column 47, lines 7-25, is met by equipment status and operational data

sent to central computer 432);

--*a message generated by the first server and transmitted over the <u>first</u> network*

upon at least one of a request by the terminal device and an occurrence of an event,

said message comprising at least a portion of the status or the programming information

contained within the communication initiated by the medical device, wherein at least a

portion of said message is provided in a humanly readable format on the visual display

(see: Chaco, column 14, lines 11-26, is met by data from external devices being

transferred to the nurse station via the network server; column 36, lines 29-33, is met by

a problem report that is displayed at the nurse station; column 43, line 18 through

column 44, line 6, is met by bedside equipment (includes IV pump) status or message

information being sent to nurse station, via the network server, and added to its problem

report)*; and*

--*a message generated by the second server<u>, the message generated at least in*

<u>part upon one of: (i) a request from the first server; and (ii) automatically, the message</u>

transmitted over the <u>second network to the first server and over the first network to at</u>

<u>least the terminal device </u>(Fig. 4, is met by patient station 210, external device 428, and

nurse station 2310 or 300, connected to network server 430, which acts as the gateway

to the central computing system 432; and Fig. 14, is met by patient station, nurse

station, and external device transceivers connected to network server 430 over network

N2, the server separately connected to the central computing system 432)(see: Chaco,

column 10, lines 54-60, is met by generated messages at the central computer to a

patient station or central nurse station; column 19, lines 59-67, is met by commands

from central computer transmitted via network server to nurse stations; column 20, lines

48-55, is met by command message received from central computer by network

transceiver to send to connected external devices and nurse stations; column 21, lines

22-26, is met by central computer transmit command messages; column 24, lines 5-9, is

met by central computer displays message; and column 47, lines 7-25, is met by central

computer sends location data of bedside equipment over the network).

10.   As per claim 7, Chaco teaches the invention substantially as claimed, see

discussion of claim 1, and further teaches:

>   --*the network is located within a health care facility* (see: Chaco, column 4, lines

5-19, is met by care provided within a health care facility; see also mentions of health

care facility and hospital throughout reference).

11.   As per claim 8, Chaco teaches the invention substantially as claimed, see

discussion of claim 1, and further teaches:

>   --*the medical device is an infusion pump* (see: Chaco, column 42, lines 2-5, is

met by IV pump; column 46, line 59 through column 47, line 25, is met by intravenous IV

pump).

12.   As per claim 13, Chaco teaches the invention substantially as claimed, see

discussion of claim 1, and further teaches:

>   --*the terminal device is associated with a clinician responsible for care of a*

patient (see: Chaco, column 26, lines 42-52, is met by identification of patient and his or

her attending physician; column 37, lines 12-13, is met by data identifying the physician;

and is also met by the attending nurse taught throughout the reference) *and the medical*

device is attached to the patient (see: Chaco, column 42, lines 2-5, is met by IV pump;

column 46, line 59 through column 47, line 25, is met by intravenous IV pump).

13.   **Claims 2-6, 9-12, and 14-28** are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 5,822,544 to Chaco in view of U.S. Patent 6,980,958 to

Surwit et al. further in view of U.S. Patent Application Publication 2002/0038392 to De

La Huerga.

14.   As per claim 2, Chaco teaches the invention substantially as claimed, see

discussion of claim 1, but fails to specifically teach:

        --*a request message generated by a software application executed by the*

terminal device;

        --*a response message generated in response to the request message and*

comprising first information contained within a data packet generated by the medical

device,

        However, Surwit et al. teaches remote patient monitors and physician access

terminals connected to a server through a network wherein patient status information is

sent from the patient monitor to the sever and from the server to the physician's terminal

upon request (Fig. 1)(see: Surwit et al., column 7, line 55 through column 8, line 20;

column 8, line 60 through column 9, line 42; column 9, lines 60-61; columns 10, line 4

through column 13, line 10; and column 13, line 62 through column 14, line 9).

        Furthermore, neither reference specifically teaches the limitation:

--and wherein said information is modified in response to a change in the

information contained within another data packet generated by the medical device.

However, De La Huerga teaches a pump receiving a query, comparing request to

the stored patient ID, determining if there is a match, upon match accesses requested

information such as pump status, formulating a response including required information

and separate system addresses associated with the patient and sends the response

(see: De La Huerga, paragraph 202). Additionally, De La Huerga teaches causing

additional medicant information related to a selected medicant to be provided by

querying the mendicant pumps to (see: De La Huerga, paragraph 207). Also, De La

Huerga teaches formulating messages and providing conditions and changes in

settings, such as a message indicating that a mendicant is to be added to a patient's

regimen (see: De La Huerga, paragraph 220). Many citation from De La Huerga teach

this limitation (Fig. 28, ele. 306; Fig. 35, ele. 454 and 456; and Fig. 42)(see: De La

Huerga, paragraphs 31, 32, 36, 38, 44, 155, 208, 211-215, 220, 221, 223, 224, 243,

259, 260, 271, 285, 286, 290, 319, and 320).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Chaco, Surwit et al., and De La

Huerga. The well known elements described are merely a combination of old elements,

and in the combination, each element merely would have performed the same function

as it did separately, and one of ordinary skill in the art would have recognized that the

results of the combination were predictable.

15.   As per claim 3, Chaco teaches the invention substantially as claimed, see

discussion of claim 2, and further teaches:

    --the program is written in a high-level software language (see: Surwit et al.,

column 7, lines 46-54).

16.   As per claim 4, Chaco teaches the invention substantially as claimed, see

discussion of claim 2, and further teaches:

    --the program is written is an object-oriented language (see: Surwit et al., column

7, lines 46-54).

17.   As per claim 5, Chaco teaches the invention substantially as claimed, see

discussion of claim 2, and further teaches:

    --the software application is a Web browser (Fig. 1; and Fig. 8-Fig. 14)(see:

Surwit et al., column 7, line 55 through column 8, line 6, is met by the "internet

browsers").

18.   As per claim 6, Chaco teaches the invention substantially as claimed, see

discussion of claim 2, and further teaches:

    --the software application resides on the first server and its output is displayed in

a browser (see: Surwit et al., column 7, line 55 through column 8, line 19; and column

11, lines 6-57).

19.   As per claim 9, Chaco teaches the invention substantially as claimed, see

discussion of claim 2, and further teaches:

--said information comprising an alarm, alert, or other notification (see: Chaco,

column 16, lines 29-33, is met by alarm and error message; column 46, line 59 through

column 47, line 6, is met by alarm).

20.   As per claim 10, Chaco teaches the invention substantially as claimed, see

discussion of claim 9, but fails to specifically teach:

--said change in the information comprising cancellation of an alarm, alert, or

other notification (Fig. 28, ele. 306; Fig. 35, ele. 454 and 456; and Fig. 42)(see: De La

Huerga, paragraphs 31, 32, 36, 38, 155, 208, 211, 214, 215, 221, 223, 224, 243, 259,

260, 271, 285, 319, 320, and 323, is met, for example, by "audible alert requesting the

physician to confirm the change" and 325 is met by "[t]he physician can reset the alert

by pressing a button").

21.   As per claim 11, Chaco teaches the invention substantially as claimed, see

discussion of claim 2, and further teaches:

--said information comprising pump programming (see: De La Huerga,

paragraphs, 40, 117, 118, 204, 211, 212, 223, 284, 286, 313, and 329).

22.   As per claim 12, Chaco teaches the invention substantially as claimed, see

discussion of claim 2, and further teaches:

--said medical device is an infusion pump (see: Chaco, column 42, lines 2-5, is

met by IV pump; column 46, line 59 through column 47, line 25, is met by intravenous IV

pump) *and said change in the information comprising a change in the pump*

programming (see: De La Huerga, paragraphs, 40, 117, 118, 204, 211, 212, 223, 284,

286, 313, and 329).

23.   As per claim 14, Surwit et al. teaches a system comprising:

--a request message generated by a program within a software application

executed by a terminal device (Fig. 1)(see: Surwit et al., column 7, line 55 through

column 8, line 20; column 8, line 60 through column 9, line 42; column 9, lines 60-61;

columns 10, line 4 through column 13, line 10; and column 13, line 62 through column

14, line 9, is met by remote patient monitors and physician access terminals connected

to a server through a network wherein patient monitors receive messages for feedback),

--a response message sent from the first central computer in response to the

request message and comprising information contained within a data packet generated

by a medical device (Fig. 1)(see: Surwit et al., column 7, line 55 through column 8, line

20; column 8, line 60 through column 9, line 42; column 9, lines 60-61; columns 10, line

4 through column 13, line 10; and column 13, line 62 through column 14, line 9, is met

by patient status information is sent from the patient monitor to the sever and from the

server to the physician's terminal upon request),

Surwit et al. fails to specifically teach the limitation:

--wherein said information is modified in response to a change in the information

contained within another data packet generated by the medical device,

However, De La Huerga teaches a pump receiving a query, comparing request to

the stored patient ID, determining if there is a match, upon match accesses requested

information such as pump status, formulating a response including required information

and separate system addresses associated with the patient and sends the response

(see: De La Huerga, paragraph 202). Additionally, De La Huerga teaches causing

additional medicant information related to a selected medicant to be provided by

querying the mendicant pumps to (see: De La Huerga, paragraph 207). Also, De La

Huerga teaches formulating messages and providing conditions and changes in

settings, such as a message indicating that a mendicant is to be added to a patient's

regimen (see: De La Huerga, paragraph 220). Many citation from De La Huerga teach

this limitation (Fig. 28, ele. 306; Fig. 35, ele. 454 and 456; and Fig. 42)(see: De La

Huerga, paragraphs 31, 32, 36, 38, 44, 155, 208, 211-215, 220, 221, 223, 224, 243,

259, 260, 271, 285, 286, 290, 319, and 320).

As per the remaining limitations, Chaco teaches that the medical device is

attached to the first network (Fig. 4, is met by patient station 210 or external device 428

and its microcontroller 426 connected to network server 430 via the network; Fig. 14, is

met by patient station connected to the network server via the network; Fig. 32, is met

by patient station 2416)(see: Chaco, column 19, lines 50-58, met by network N2

connecting patient station to the server) and *the request message sent to a first central*

computer via a first network (Fig. 32, is met by bedside equipment - including elements

3280, 3284 (IV pump), 3234, and 3232 – and peripheral equipment – includes elements

in 3220 and 3254 - generating communication status and equipment operation data

over the network depicted in Fig. 4 and Fig. 14)(see: Chaco, column 42, lines 2-5, is

met by bedside equipment serially transmit data; and column 47, lines 7-25, is met by

communicating status and equipment operation data over the network);

--*wherein a second central communicates with the first central computer via a*

second network, the second central computer separated from the medical device and

terminal device via the second network, the first central computer, and the first network,

and wherein the first central computer stores validated data (Fig. 4, is met by server

connected to network; Fig. 14, is met by server connected to network; Fig. 32, is met by

server connected to network)(see: Chaco, column 15, lines 21-31, is met by information

stored at server; column 19, lines 50-58, met by network N2 connected to the server;

and column 28, lines 4-7, is met by authorized list data that is stored locally at server

430) *and the second central computer stores non-validated data* (Fig. 4, is met by

patient station 210, external device 428, and nurse station 2310 or 300, connected to

network server 430, which acts as the gateway to the central computing system 432;

and Fig. 14, is met by patient station, nurse station, and external device transceivers

connected to network server 430 over network N2, the server separately connected to

the central computing system 432)(see: Chaco, column 12, lines 37-47, is met by

patient station and nurse station linked to server, the server linked to the central

computing system; column 21, lines 33-42, is met by messages being sent to

transceivers to and from the central computer via the network server; column 23, lines

1-2, is met by identification and interview data stored directly in central computer 432;

column 27, lines 62-65, is met by identification number stored in computer 432; and

column 28, lines 4-11, is met by an authorized list that is stored at central computer

432, and attempted access is recorded on central computer 432; column 28, lines 40-

47, is met by medication dosages are recorded in the central computer; and column 47,

lines 7-25, is met by equipment status and operational data sent to central computer

432); and

--*a response message sent from the first central computer contained within a*

data packet generated by <u>*the*</u> *second central computer, the response message*

generated at least in part upon a request from the second central computer, <u>*the*</u>

<u>*response message is sent over the first network to at least the terminal device*</u> (Fig. 4, is

met by patient station 210, external device 428, and nurse station 2310 or 300,

connected to network server 430, which acts as the gateway to the central computing

system 432; and Fig. 14, is met by patient station, nurse station, and external device

transceivers connected to network server 430 over network N2, the server separately

connected to the central computing system 432)(see: Chaco, column 10, lines 54-60, is

met by generated messages at the central computer to a patient station or central nurse

station; column 19, lines 59-67, is met by commands from central computer transmitted

via network server to nurse stations; column 20, lines 48-55, is met by command

message received from central computer by network transceiver to send to connected

external devices and nurse stations; column 21, lines 22-26, is met by central computer

transmit command messages; column 24, lines 5-9, is met by central computer displays

message; and column 47, lines 7-25, is met by central computer sends location data of

bedside equipment over the network).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Chaco, Surwit et al., and De La

Huerga. The well known elements described are merely a combination of old elements,

and in the combination, each element merely would have performed the same function

as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

24.   As per claim 15, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the program is written in a high-level software language (see: Surwit et al., column 7, lines 46-54).

25.   As per claim 16, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the program is written is an object-oriented language (see: Surwit et al., column 7, lines 46-54).

26.   As per claim 17, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the program is written in JAVA (see: Surwit et al., column 7, lines 46-54).

27.   As per claim 18, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the program is written in C+ (see: Surwit et al., column 7, lines 46-54).

28.   As per claim 19, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the program is written in Visual Basic Script (see: Surwit et al., column 7, lines 46-54).

29.   As per claim 20, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the software application is a Web browser (Fig. 1; and Fig. 8-Fig. 14)(see: Surwit et al., column 7, line 55 through column 8, line 6, is met by the "internet browsers").

30.   As per claim 21, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the software application resides on a server and its output is displayed in a browser (see: Surwit et al., column 7, line 55 through column 8, line 19; and column 11, lines 6-57).

31.   As per claim 22, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the terminal device is attached to a network within a health care facility (see: Chaco, column 4, lines 5-19, is met by care provided within a health care facility; see also mentions of health care facility and hospital throughout reference).

32.   As per claim 23, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 14, and further teaches:

--wherein the medical device is an infusion pump (see: Chaco, column 42, lines 2-5, is met by IV pump; column 46, line 59 through column 47, line 25, is met by intravenous IV pump).

33.   As per claim 24, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 23, and further teaches:

--said information comprising an alarm or an alert (see: Chaco, column 16, lines

29-33, is met by alarm and error message; column 46, line 59 through column 47, line

6, is met by alarm).

34.   As per claim 25, Surwit et al. teaches the invention substantially as claimed, see

discussion of claim 24, and further teaches:

--said change in the information comprising cancellation of an alarm or an alert

(Fig. 28, ele. 306; Fig. 35, ele. 454 and 456; and Fig. 42)(see: De La Huerga,

paragraphs 31, 32, 36, 38, 155, 208, 211, 214, 215, 221, 223, 224, 243, 259, 260, 271,

285, 319, 320, and 323, is met, for example, by "audible alert requesting the physician

to confirm the change" and 325 is met by "[t]he physician can reset the alert by pressing

a button").

35.   As per claim 26, Surwit et al. teaches the invention substantially as claimed, see

discussion of claim 23, and further teaches:

--said information comprising pump programming (see: De La Huerga,

paragraphs, 40, 117, 118, 204, 211, 212, 223, 284, 286, 313, and 329).

36.   As per claim 27, Surwit et al. teaches the invention substantially as claimed, see

discussion of claim 26, and further teaches:

--said change in the information comprising a change in the pump programming

(see: De La Huerga, paragraphs, 40, 117, 118, 204, 211, 212, 223, 284, 286, 313, and

329).

37.   As per claim 28, Surwit et al. teaches the invention substantially as claimed, see

discussion of claim 14, and further teaches:

--the terminal device is associated with a clinician responsible for care of a patient and the medical device is attached to the patient (see: Chaco, column 26, lines 42-52, is met by identification of patient and his or her attending physician; column 37, lines 12-13, is met by data identifying the physician; and is also met by the attending nurse taught throughout the reference) *and the medical device is attached to the patient* (see: Chaco, column 42, lines 2-5, is met by IV pump; column 46, line 59 through column 47, line 25, is met by intravenous IV pump).

38.   **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,822,544 to Chaco in view of U.S. Patent 6,980,958 to Surwit et al. further in view of U.S. Patent Application Publication 20040/0004965 to Chen.

39.   As per claim 31, Surwit et al. teaches the invention substantially as claimed, see discussion of claim 1, but fails to specifically teach:

--wherein the second network is [a] *cable communication Ethernet network.*

However, Surwit et al. teaches an Ethernet network (see: Surwit et al., column 12, lines 19-23) and Chen teaches an Ethernet network that is *an isolated point-to-point* Ethernet network or PPoE (see: Chen, paragraph 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chaco, Chen, and Surwit et al. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

40.   **Claim 32** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 5,822,544 to Chaco in view of U.S. Patent 6,980,958 to Surwit et al. in view of

U.S. Patent Application Publication 2002/0038392 to De La Huerga further in view of

U.S. Patent Application Publication 2004/0004965 to Chen.

41.   As per claim 32, Surwit et al. teaches the invention substantially as claimed, see

discussion of claim 14, and further teaches:

        --*wherein the second network is* [a] *cable communication Ethernet network* (see:

Surwit et al., column 12, lines 19-23, is met by the Ethernet network).

        The cited references fail to specifically teach that the Ethernet network is *an*

isolated point-to-point Ethernet network; however, Chen teaches an Ethernet network

that is an isolated point-to-point Ethernet network or PPoE (see: Chen, paragraph 4).

        It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Chaco, Chen, Surwit et al., and De La

Huerga. The well known elements described are merely a combination of old elements,

and in the combination, each element merely would have performed the same function

as it did separately, and one of ordinary skill in the art would have recognized that the

results of the combination were predictable.

Response to Arguments

42.   Applicant's arguments from the response filed on 05/18/2009 have been fully

considered and will be addressed below in the order in which they appeared.

43.   In response to Applicant's argument that (1) the 35 U.S.C. 112, second

paragraph, rejections concerning claims 1 and 14 should be withdrawn due to clarifying

amendments, the Examiner is in agreement and the rejections have been withdrawn;

however, it is noted that new second paragraph rejections have been applied to the

claims regarding separate issues.

44.   In response to Applicant's argument that (2) the 35 U.S.C. 103(a) rejections

should be withdrawn.

        The Examiner respectfully disagrees. Applicant's argument is not persuasive.

Applicant's arguments with respect to argument (2) have been considered but are moot

in view of the new ground(s) of rejection.

Conclusion

45.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ROBERT SOREY whose telephone number is

(571)270-3606. The examiner can normally be reached on Monday through Friday,

8:30AM to 5:00PM (EST).

46.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Gilligan can be reached on (571)272-6770. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

47.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. S./
Examiner, Art Unit 3626
13 July 2009

/Robert Morgan/
Primary Examiner, Art Unit 3626